

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Field Repair Requirements)
For Commercially-Built)
Transmitter and Transceiver)
Equipment for the Amateur)
Radio Service)

FCC Docket No. RM-10412

ADDITIONAL WRITTEN COMMENTS OF DON SCHELLHARDT, ESQUIRE

I am a writer and attorney who has already filed Written Comments in this Docket. Today, I am submitting these Additional Written Comments, after the Written Comments and Reply Comments deadlines, in order to bring new information to the attention of the Commission and commenters in this Docket.

I ask that this information be considered by the Commission, in spite of being untimely filed, because the information: (a) is relevant to this proceeding; and (b) did not become available until May 24, 2002. The information concerns a possible alternative to the direct “field repairability” mandate which Nickolaus Leggett, the Petitioner in RM-10412, has proposed.

As reported in a USA WEEKEND article by Jim Louderback, “Lords Of Our Own Destiny”, the Dutch government has developed an innovative approach for promoting deterring “planned obsolescence” and promoting equipment repairability.

What about all those old PCs, appliances and other byproducts of planned obsolescence littering the land? The Netherlands has implemented a simple solution. Manufacturers have to pick up and recycle old appliances at no charge. As a result, engineers have designed easier ways to replace failed motors, controls and other parts.

This statement can be found on page 4 of the May 24-26, 2002 edition of USA WEEKEND.

Perhaps those who consider Mr. Leggett's approach too "micro-managerial" would be willing to support the Dutch approach as an alternative.

If the Commission were to require manufacturers of amateur radio equipment, and perhaps of other electronics equipment as well, to collect and recycle every piece of equipment which has become inoperable, *and* to do so at their own expense, the end results might be comparable to Mr. Leggett's direct mandate for enhanced repairability. However, manufacturers would have greater implementation flexibility, and the FCC's oversight and regulatory prescriptions could be streamlined considerably.

The willingness of Mr. Leggett's critics to consider this alternative approach should be a useful indicator of whether they oppose his *specific proposal* on this subject -- or truly believe, instead, that deterring "planned obsolescence", and/or promoting equipment repairability, are simply not legitimate concerns of government. The latter belief, while perhaps widespread, implies in turn a belief that environmental quality, and/or disaster preparedness, are not legitimate concerns of government, either.

Mr. Leggett's critics are certainly entitled to hold this, or any other, philosophical viewpoint. However, *if* this is truly the outlook of some or all of Mr. Leggett's critics,

then the philosophical premises should be brought out into the open and stated explicitly.

At that point, they can be debated for what they are: an attempt to roll back points of public policy consensus, on government action to protect the environment, that have prevailed in America since at least the 1970's -- *and* to reverse points of public policy consensus, on government action to promote disaster preparedness, which have prevailed since at least the formation of the Federal Communications Commission in the 1930's.

Respectfully submitted,

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Dated: _____

May 27, 2002
Memorial Day